

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 2-4 are under examination and stand rejected. Claims 2 and 3 are amended. Claim 22 is new. Support for new claim 22 is found at page 13, lines 11-21 of the specification as filed. No new matter is added by the amendments. Reconsideration is respectfully requested.

### **Written Description and Enablement**

Claims 2-4 are rejected as lacking written description and enablement. To expedite prosecution, the claims have been amended to limit HIDE1 protein to that of SEQ ID NO: 2 or 6 and to clarify the fragment. Support for the amendments is found at page 11, lines 4-6 and 13-14, and page 13, lines 11-18 of the specification as filed. Thus, the rejections should be rendered moot.

### **Novelty**

Claims 2-4 are rejected as being anticipated by WO01/90304. The prior art discloses the use of an antibody that binds to an epitope of SEQ ID NO: 1446, which is 100% identical to the HIDE1 protein of SEQ ID NO: 6 of the instant application. According to the Examiner's alignment results, the amino acid sequence from position 2 to 113 of SEQ ID NO: 1446 is 100% identical to the amino acid sequence from position 115 to 226 of SEQ ID NO: 6. As described at page 13, lines 11-18 of the instant specification, the extracellular domain of SEQ ID NO: 6 is located at positions 27 to 117. The extracellular domain overlaps with the amino acid sequence from position 2 to 113 of SEQ ID NO: 1446 at only three amino acid residues, i.e. position 115 to 117 of SEQ ID NO: 6 and position 2 to 4 of SEQ ID NO: 1446. The epitopes of SEQ ID NO: 1446 specified at page 36 of the prior art reference do not include position 2 to 4. Thus, the antibodies that bind to an epitope of SEQ ID NO: 1446 do not bind to the extracellular domain of SEQ ID NO: 6. In sum, the currently amended claims are not anticipated by WO01/90304.

Further, the currently amended claims are not obvious over the cited reference. As noted in the Office Action, using antibodies to HIDE1 proteins to isolate and detect

monocytes is highly unpredictable (see page 5 of the Office Action). The cited reference does not disclose or provide any guidance to one of skill to use antibodies that specifically bind to the extracellular domain of the HIDE1 proteins of SEQ ID NOs: 2 or 6. Therefore, the currently amended claims are also not obvious in view of WO01/90304. Withdrawal of the rejection is respectfully requested.

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Amdt. dated February 24, 2011  
Reply to Office Action of September 24, 2010

PATENT

**CONCLUSION**

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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